

Attorney Docket No. 5621 P1
Customer No. 49459

REMARKS

Claims 3-31 have been withdrawn from consideration, but Applicants reserve the right to pursue these claims in a divisional application. Additionally, claim 32 has been added to the claim set for review. No new matter has been added to the claim set by the addition of claim 32. Therefore, Applicants request the examination of claims 1,2, and 32.

35 U.S.C. § 103(a) Rejections

Claims 1 and 2 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over "Naphthalimide derivative JP 49-43688 (Noguchi 1), JP 47-12533 (Noguchi 2), GB 1003083 (Kasai), and GB 1054436 (Senshu)." Specifically, the Examiner reasoning is the following:

The prior art teaches similar compounds for the same use. The various alkyl groups are disclosed. Along with the D groups being an O and S. One of skill in the art of making compounds for the same use would be familiar with the teachings of the art and would be motivated to modify the compounds with the different R groups to obtain the compounds of the invention.

Noguchi 1 teaches a naphthalimide containing composition wherein both benzene rings have a substituent containing a quaternary ammonium group. The compounds are used as fluorescent brightening agents for synthetic fibers. The compositions are not polymerizable.

Noguchi 2 teaches a naphthalimide containing composition wherein both benzene rings have a substituent containing a quaternary ammonium group. The compositions are used for fluorescent whitening of synthetic fibers. The compounds are used as fluorescent brightening agents for synthetic fibers. The compositions are not polymerizable.

Kasai teaches a naphthalimide containing composition wherein the benzene rings do not have a substituent containing a quaternary ammonium group and have only one substituent on one benzene ring. The compounds are for improving the brightness of polymeric materials by treatment of these compounds with the naphthalimide containing composition. The compositions are not polymerizable.

Senshu teaches a naphthalimide containing composition wherein the benzene rings do not have a substituent containing a quaternary ammonium group and have only one substituent on one benzene ring. The compounds are for optical whitening of synthetic organic material by treatment of

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these compounds with the naphthalimide containing composition. The compositions are not polymerizable.

The present invention teaches a composition containing a naphthalimide containing fluorescent moiety. More specifically, there are two benzene groups in the naphthalimide and only one of them has a quaternary ammonium group.

"A *prima facie* case of obviousness based on structural similarity is rebuttable by proof that the claimed compounds possess unexpectedly advantageous or superior properties." MPEP 2144.09 (citing *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963)). The present invention teaches a composition containing a naphthalimide containing fluorescent moiety that is polymerizable and therefore possesses a superior property over the prior art compounds cited by the Examiner. Therefore, Applicants contend that the showing of a superior property of the claimed compound rebuts the rejection of obviousness based on structural similarity.

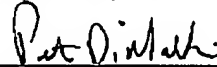
In view of the foregoing, Applicants request that pending claims 1, 2 and 32 are allowed.

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CONCLUSION

Applicants respectfully request that a Notice of Allowance be sent for all pending claims.

Respectfully Submitted,



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